UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,634	07/07/2003	James D. Coburn	98AB083-C	2199

7590	01/12/2006

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EXAMINER
LE, JOHN H

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/614,634	COBURN ET AL.
	Examiner	Art Unit
	John H. Le	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*1-55*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*1-55*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*07 July 2003*</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/7/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 07/07/2003 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because reference number 1 and

reference number 9 (in Other Prior Art) do not have date. It has been placed in the

application file, but the information referred to therein has not been considered as to the

merits. Applicant is advised that the date of any re-submission of any item of

information contained in this information disclosure statement or the submission of any

missing element(s) will be the date of submission for purposes of determining

compliance with the requirements based on the time of filing the statement, including all

certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609

¶ C(1).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (f) he did not himself invent the subject matter sought to be patented.
> (g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

3.   Claims 1-55 are rejected under 35 U.S.C. 102(f) because the applicant did not

invent the claimed subject matter. The specification of Hoskins et al. (USP 6,268,853) is

the same as that of this instant application. Therefore, the specification of Coburn et al

obviously contains the apparatus-type claims and the method-type claims of this

application.

4.   Claims 1-55 are rejected under 35 U.S.C. 102(g) as being anticipated by Hoskins

et al. (USP 6,268,853).

The specification of Coburn et al. is the same as that of this instant application.

Therefore, the specification of Hoskins et al obviously contains the apparatus-type

claims and the method-type claims of this application.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> ((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoskins

et al. (USP 6,108,662).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1 and 35, Hoskins et al. teach an apparatus to be used with a

system including a simulator and a controller, the apparatus for generating code and

simulation information for use by the controller and the simulator, respectively (see

abstract, col.4, lines 36-49, col.14, lines 33-47, col.70, lines 36-53), the apparatus

comprising: a database including at least one control assembly (CA) for at least one

resource type, the at least one CA encapsulating logic information corresponding to the

at least one resource type (see abstract, col.7, lines 31-33, col.14, lines 48-58, col.80,

lines 50-60); an editor for identifying at least one instance of at least one CA

corresponding to at least one resource (see col.12, lines 57-65, col.81, lines 50-67), a

processor running a program to perform the steps of: using the at least one identified

CA to generate code for the corresponding at least one resource; and using the at least

one identified CA instance to generate simulation information for the corresponding at

least one resource (see col.4, lines 31-49, col.81, lines 50-67).

Regarding claims 23 and 47, Hoskins et al. teach A control assembly (CA) set for

generating code and simulation information for use by a controller and a simulator,

respectively, wherein, the controller runs the code to generate output signals for

controlling at least one resource (see abstract, col.4, lines 36-49, col.14, lines 33-47),

the CA set comprising: at least one CA corresponding to at least one resource type (see

abstract, col.7, lines 31-33, col.14, lines 48-58, col.80, lines 50-60), each CA including:

material containing logic to facilitate the generation of code for the corresponding

resource type (see abstract, col.7, lines 31-33, col.14, lines 48-58, col.70, lines 36-53, col.80, lines 50-60); and simulation material useable to generate simulation information for the corresponding resource type (see col.4, lines 31-49, col.81, lines 50-67).

Regarding claim 2-22, 24-34, 36-46, and 48-55, Hoskins et al. teach the processor executes the program to further perform the step of providing the code and the simulation information to the controller and the simulator (see abstract, col.7, lines 49-56, col.9, lines 1-14, col.21, 58-62), respectively; the step of using the at least one identified CA instance to generate code includes compiling the at least one identified CA instance logic to generate the code (see col.36, lines 46-67); generate simulation information includes gleaning the information from the at least one identified CA and using the gleaned information to generate the simulation information (see col.51, lines 54-62, col.55, lines 29-38); at least one of the CAs also encapsulates simulation information for a corresponding at least one resource and wherein the processor gleans by retrieving the simulation information (see Col.7, lines 20-34); the controller is a programmable logic controller that provides I/O combination output signals, the simulator is a module that displays visual representations of resources cycling through activities, at least a subset of the encapsulated simulation information includes I/O combinations correlated with specific visual representations in a table and wherein the processor gleans by accessing the table and retrieving the correlated combination/representation information (see col.35, lines 38-49); the controller also accepts feedback signals, at least a subset of the encapsulated simulation information further includes I/O feedback combinations correlated with specific simulation events in

a feedback table and the processor gleans by accessing the feedback table and

retrieving the correlated feedback combination/simulation event information (see col.14,

lines 28-32) ; the gleaned information includes a first simulation information set and at

least a second simulation information set is accessible to the processor and the

processor performs the step of using the gleaned information by combining the first and

second simulation information sets for each instantiated CA to generate a separate data

structure for each instantiated CA (see col.51, lines 54-62, col.55, lines 29-38); the

controller accepts feedback signals and, wherein, the simulation information is useable

by the simulator to generate simulation feedback signals indicating simulation events

(see col.14, lines 28-32); the simulation information is useable by the simulator to

generate visual representations of resources cycling through activities (see col.82, lines

38-59).

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John H. Le whose telephone number is 571 272 2275.

The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

January 9, 2006

BRYAN BUI
PRIMARY EXAMINER

1/9/06